

The Honorable Lauren King

FILED ENTERED
LODGED RECEIVED

JUN 04 2024

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

KHALIL AHMAD,

Defendant.

NO. CR24-098 LK

PLEA AGREEMENT

The United States, through United States Attorney Tessa M. Gorman and Assistant United States Attorney Victoria Cantore of the Western District of Washington, and Defendant Khalil Ahmad and Defendant's attorney Dennis Carroll enter into the following Plea Agreement, pursuant to Federal Rule of Criminal Procedure 11(c)(1)(B).

1. **Waiver of Indictment.** Defendant, having been advised of the right to be charged by Indictment, agrees to waive that right and enter a plea of guilty to the charge brought by the United States Attorney in the Information.

2. **The Charge.** Defendant, having been advised of the right to have this matter tried before a jury, agrees to waive that right and enters a plea of guilty to the following charge contained in the Information: Reentry of Removed Alien, as charged in Count 1, in violation of Title 8, United States Code, Section 1326(a).

1 By entering a plea of guilty, Defendant hereby waives all objections to the form of
2 the charging document. Defendant further understands that before entering any guilty
3 plea, Defendant will be placed under oath. Any statement given by Defendant under oath
4 may be used by the United States in a prosecution for perjury or false statement.

5 3. **Elements of the Offense.** The elements of Reentry of Removed Alien to
6 which Defendant is pleading guilty are as follows:

7 First, Defendant was removed from the United States;

8 Second, thereafter, Defendant knowingly and voluntarily reentered the
9 United States without having obtained the consent of the Attorney General or the
10 Secretary of the Department of Homeland Security, to reapply for admission into
11 the United States; and

12 Third, Defendant was an alien at the time of reentry. An alien is a person
13 who is not a natural-born or naturalized citizen of the United States.

14 4. **The Penalties.** Defendant understands that the statutory penalties
15 applicable to Reentry of Removed Alien to which Defendant is pleading guilty are as
16 follows: A maximum term of imprisonment of up to 2 years, a fine of up to \$250,000, a
17 period of supervision following release from prison of up to 1 year, and a mandatory
18 special assessment of \$100.

19 Defendant understands that supervised release is a period of time following
20 imprisonment during which Defendant will be subject to certain restrictive conditions and
21 requirements. Defendant further understands that, if supervised release is imposed and
22 Defendant violates one or more of the conditions or requirements, Defendant could be
23 returned to prison for all or part of the term of supervised release that was originally
24 imposed. This could result in Defendant serving a total term of imprisonment greater than
25 the statutory maximum stated above.

1 Defendant understands that as a part of any sentence, in addition to any term of
2 imprisonment and/or fine that is imposed, the Court may order Defendant to pay
3 restitution to any victim of the offense, as required by law.

4 Defendant further understands that the consequences of pleading guilty may
5 include the forfeiture of certain property, either as a part of the sentence imposed by the
6 Court, or as a result of civil judicial or administrative process.

7 Defendant agrees that any monetary penalty the Court imposes, including the
8 special assessment, fine, costs, or restitution, is due and payable immediately and further
9 agrees to submit a completed Financial Disclosure Statement as requested by the United
10 States Attorney's Office.

11 Defendant understands that, if pleading guilty to a felony drug offense, Defendant
12 will become ineligible for certain food stamp and Social Security benefits as directed by
13 Title 21, United States Code, Section 862a.

14 5. **Immigration Consequences.** Defendant recognizes that pleading guilty
15 may have consequences with respect to Defendant's immigration status if Defendant is
16 not a citizen of the United States. Under federal law, a broad range of crimes are grounds
17 for removal, and some offenses make removal from the United States presumptively
18 mandatory. Removal and other immigration consequences are the subject of a separate
19 proceeding, and Defendant understands that no one, including Defendant's attorney and
20 the Court, can predict with certainty the effect of a guilty plea on immigration status.
21 Defendant nevertheless affirms that Defendant wants to plead guilty regardless of any
22 immigration consequences that Defendant's guilty plea may entail, even if the
23 consequence is Defendant's mandatory removal from the United States.

24 6. **Rights Waived by Pleading Guilty.** Defendant understands that by
25 pleading guilty, Defendant knowingly and voluntarily waives the following rights:

26 a. The right to plead not guilty and to persist in a plea of not guilty;
27

b. The right to a speedy and public trial before a jury of Defendant's peers;

c. The right to the effective assistance of counsel at trial, including, if Defendant could not afford an attorney, the right to have the Court appoint one for Defendant;

d. The right to be presumed innocent until guilt has been established beyond a reasonable doubt at trial;

e. The right to confront and cross-examine witnesses against Defendant at trial;

f. The right to compel or subpoena witnesses to appear on Defendant's behalf at trial;

g. The right to testify or to remain silent at trial, at which trial such silence could not be used against Defendant; and

h. The right to appeal a finding of guilt or any pretrial rulings.

7. **United States Sentencing Guidelines.** Defendant understands and acknowledges that the Court must consider the sentencing range calculated under the United States Sentencing Guidelines and possible departures under the Sentencing Guidelines together with the other factors set forth in Title 18, United States Code, Section 3553(a), including: (1) the nature and circumstances of the offense; (2) the history and characteristics of Defendant; (3) the need for the sentence to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense; (4) the need for the sentence to afford adequate deterrence to criminal conduct; (5) the need for the sentence to protect the public from further crimes of Defendant; (6) the need to provide Defendant with educational and vocational training, medical care, or other correctional treatment in the most effective manner; (7) the kinds of sentences available; (8) the need to provide restitution to victims; and (9) the need to

1 avoid unwarranted sentence disparity among defendants involved in similar conduct who
2 have similar records. Accordingly, Defendant understands and acknowledges that:

3 a. The Court will determine Defendant's Sentencing Guidelines range
4 at the time of sentencing;

5 b. After consideration of the Sentencing Guidelines and the factors in
6 18 U.S.C. 3553(a), the Court may impose any sentence authorized by law, up to the
7 maximum term authorized by law;

8 c. The Court is not bound by any recommendation regarding the
9 sentence to be imposed, or by any calculation or estimation of the Sentencing Guidelines
10 range offered by the parties or the United States Probation Department, or by any
11 stipulations or agreements between the parties in this Plea Agreement; and

12 d. Defendant may not withdraw a guilty plea solely because of the
13 sentence imposed by the Court.

14 8. **Ultimate Sentence.** Defendant acknowledges that no one has promised or
15 guaranteed what sentence the Court will impose.

16 9. **Statement of Facts.** Defendant admits Defendant is guilty of the charged
17 offense. The parties agree on the following facts:

18 a. Defendant is a native and citizen of Pakistan.

19 b. In April 2019, Defendant was convicted of the offense of Stalking
20 under 18 U.S.C. § 2261A(2)(B) and sentenced to twenty-four months with credit for
21 time served.

22 c. On July 27, 2020, Defendant was removed to Pakistan from
23 Alexandria, Louisiana.

24 d. On April 9, 2024, Defendant knowingly and voluntarily reentered
25 the United States without having obtained the consent of the Attorney General or the
26 Secretary of the Department of Homeland Security. At the time of the reentry, Defendant
27 was not a natural-born or naturalized citizen of the United States.

1 c. On April 9, 2024, Defendant was found and arrested by the United
2 States Immigration and Customs Enforcement within the Western District of Washington
3 after walking across the international border near Blaine, Washington. His intended
4 destination was Hanover, Maryland, where his estranged wife and children still reside.

5 The parties agree that the Court may consider additional facts contained in the
6 Presentence Report (subject to standard objections by the parties) and/or that may be
7 presented by the United States or Defendant at the time of sentencing, and that the factual
8 statement contained herein is not intended to limit the facts that the parties may present to
9 the Court at the time of sentencing.

10 10. **Sentencing Factors.** The parties agree that the following Sentencing
11 Guidelines provisions apply to this case:

12 a. Section 2L1.2(a) setting a base offense level of 8 because he
13 unlawfully entered the United States;

14 b. Section 2L1.2(b)(2)(B) increasing the offense level by 8 points
15 because Defendant sustained a prior felony conviction with a sentence of two years or
16 more;

17 c. A three-level decrease if Defendant qualifies for acceptance of
18 responsibility pursuant to Section 3E1.1, as discussed in paragraph 11 of this Plea
19 Agreement.

20 The parties agree they are free to present arguments regarding the applicability of
21 all other provisions of the United States Sentencing Guidelines. Defendant understands,
22 however, that at the time of sentencing, the Court is free to reject these stipulated
23 adjustments, and is further free to apply additional downward or upward adjustments in
24 determining Defendant's Sentencing Guidelines range.

25 11. **Acceptance of Responsibility.** At sentencing, if the Court concludes
26 Defendant qualifies for a downward adjustment for acceptance of responsibility pursuant
27 to USSG § 3E1.1(a) and Defendant's offense level is 16 or greater, the United States will

1 make the motion necessary to permit the Court to decrease the total offense level by three
2 levels pursuant to USSG §§ 3E1.1(a) and (b), because Defendant has assisted the United
3 States by timely notifying the United States of Defendant's intention to plead guilty,
4 thereby permitting the United States to avoid preparing for trial and permitting the Court
5 to allocate its resources efficiently.

6 **12. Recommendation Regarding Imprisonment.** Pursuant to Federal Rule of
7 Criminal Procedure 11(c)(1)(B), the United States agrees to recommend no more than 10
8 months in custody, minus the time Defendant has served since his arrest on April 9, 2024,
9 for a total sentence of 9 months and 6 days. Defendant is free to recommend any lawful
10 sentence. Except as set forth above, the parties are free to recommend any other terms.

11 Defendant understands that this recommendation is not binding on the Court and
12 the Court may reject the recommendation of the parties and may impose any term of
13 imprisonment up to the statutory maximum penalty authorized by law. Defendant further
14 understands that Defendant cannot withdraw a guilty plea simply because of the sentence
15 imposed by the Court. Except as otherwise provided in this Plea Agreement, the parties
16 are free to present arguments regarding any other aspect of sentencing.

17 **13. Abandonment of Contraband.** Defendant also agrees that, if any federal
18 law enforcement agency seized any illegal contraband that was in Defendant's direct or
19 indirect control, Defendant consents to the federal administrative disposition, official use,
20 and/or destruction of that contraband.

21 **14. Non-Prosecution of Additional Offenses.** As part of this Plea Agreement,
22 the United States Attorney's Office for the Western District of Washington agrees not to
23 prosecute Defendant for any additional offenses known to it as of the time of this Plea
24 Agreement based upon evidence in its possession at this time, and that arise out of the
25 conduct giving rise to this investigation. In this regard, Defendant recognizes the United
26 States has agreed not to prosecute all of the criminal charges the evidence establishes
27 were committed by Defendant solely because of the promises made by Defendant in this

1 Plea Agreement. Defendant agrees, however, that for purposes of preparing the
2 Presentence Report, the United States Attorney's Office will provide the United States
3 Probation Office with evidence of all conduct committed by Defendant. Defendant agrees
4 that any charges to be dismissed before or at the time of sentencing were substantially
5 justified in light of the evidence available to the United States, were not vexatious,
6 frivolous or taken in bad faith, and do not provide Defendant with a basis for any future
7 claims under the "Hyde Amendment," Pub. L. No. 105-119 (1997).

8 **15. Breach, Waiver, and Post-Plea Conduct.** Defendant agrees that, if
9 Defendant breaches this Plea Agreement: (a) the United States may withdraw from this
10 Plea Agreement and Defendant may be prosecuted for all offenses for which the United
11 States has evidence; (b) Defendant will not oppose any steps taken by the United States
12 to nullify this Plea Agreement, including the filing of a motion to withdraw from the Plea
13 Agreement; and/or (c) Defendant waives any objection to the re-institution of any charges
14 that previously were dismissed or any additional charges that had not been prosecuted.

15 Defendant further understands that if, after the date of this Plea Agreement,
16 Defendant should engage in illegal conduct, or conduct that violates any conditions of
17 release or the conditions of confinement (examples of which include, but are not limited
18 to, obstruction of justice, failure to appear for a court proceeding, criminal conduct while
19 pending sentencing, and false statements to law enforcement agents, the Pretrial Services
20 Officer, Probation Officer, or Court), the United States is free under this Plea Agreement
21 to file additional charges against Defendant and/or to seek a sentence that takes such
22 conduct into consideration by requesting the Court to apply additional adjustments or
23 enhancements in its Sentencing Guidelines calculations in order to increase the applicable
24 advisory Guidelines range, and/or by seeking an upward departure or variance from the
25 calculated advisory Guidelines range. Under these circumstances, the United States is
26 free to seek such adjustments, enhancements, departures, and/or variances even if
27 otherwise precluded by the terms of the Plea Agreement.

1 16. **Waiver of Appellate Rights and Rights to Collateral Attacks.** Defendant
2 acknowledges that, by entering the guilty plea required by this Plea Agreement,
3 Defendant waives all rights to appeal from Defendant's conviction, and any pretrial
4 rulings of the Court, and any rulings of the Court made prior to entry of the judgment of
5 conviction. Defendant further agrees that, provided the Court imposes a custodial
6 sentence that is within or below the Sentencing Guidelines range (or the statutory
7 mandatory minimum, if greater than the Guidelines range) as determined by the Court at
8 the time of sentencing, Defendant waives to the full extent of the law any right conferred
9 by Title 18, United States Code, Section 3742, to challenge, on direct appeal, the
10 sentence imposed by the Court, including any fine, restitution order, probation or
11 supervised release conditions, or forfeiture order (if applicable).

12 Defendant also agrees that, by entering the guilty plea required by this Plea
13 Agreement, Defendant waives any right to bring a collateral attack against the conviction
14 and sentence, including any restitution order imposed, except as it may relate to the
15 effectiveness of legal representation or a claim of prosecutorial misconduct based on facts
16 unknown or not reasonably discoverable prior to entry of the judgment of conviction.
17 Defendant acknowledges that certain claims, including certain claims for prosecutorial
18 misconduct, will be barred by operation of law by virtue of their guilty plea,
19 independently from this Plea Agreement. This waiver does not preclude Defendant from
20 bringing an appropriate motion pursuant to 28 U.S.C. § 2241, to address the conditions of
21 Defendant's confinement or the decisions of the Bureau of Prisons regarding the
22 execution of Defendant's sentence.

23 If Defendant breaches this Plea Agreement at any time by appealing or collaterally
24 attacking (except as to claims not subject to the waiver, above) the conviction or sentence
25 in any way, the United States may prosecute Defendant for any counts, including those
26 with mandatory minimum sentences, that were dismissed or not charged pursuant to this
27 Plea Agreement.

